



# Town of Berwyn Heights

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**MAYOR**  
Jodie Kulpa-Eddy

**COUNCIL MEMBERS**  
Christopher Brittan-Powell (Mayor Pro Tem)  
Shinita Hemby  
Faustino Menjivar  
Jason W. Papanikolas

## Work Session Minutes December 5, 2022 | 7:00 p.m. Council Chamber

### Call to Order

Mayor Jodie Kulpa-Eddy called the meeting to order at 7:05PM. Present were Mayor Pro Tem Chris Brittan-Powell, Councilmember Shinita Hemby, Councilmember Faustino Menjivar and Councilmember Jason Papanikolas. Staff present were Brad Pudner, Director of Public Works in his role as Acting Town Manager and Town Clerk Melanie Friesen. Residents of the Town of Berwyn Heights were also present.

### Approval of the Agenda

MPT Brittan-Powell moved to approve the agenda. CM Papanikolas seconded. With no discussion, the motion passed unanimously.

### 1. Mayor

#### a. Announcements

- **Executive Session Report:** The Council met in Executive Session from 5:11 PM to 6:59PM in Council Chambers. Present were Mayor Kulpa-Eddy, MPT Brittan-Powell, CM Hemby and CM Papanikolas. CM Menjivar was unable to attend. David Deutsch, who is conducting the interim Town Manager search, was also present for part of the session. The session was closed to discuss personnel and real property matters (exemptions 1 and 3 of § 3-305(b)). No action was taken during the session.

Mayor Kulpa-Eddy also reviewed the funeral services for former Mayor and State Delegate, Tawanna Gaines.

#### b. Calendar

Mayor Kulpa-Eddy reviewed the calendar for upcoming events including community meetings, the PGCMA Legislative Meet-and-Greet, and the Employee Luncheon.

#### c. Draft Ordinance 110 (Ethics) review

Mayor Kulpa-Eddy discussed some edits she would like to see addressed as part of the Ordinance, highlighting a misnumbered section and some typos. TC Friesen will send the suggested edits to the Ethics Commission for review and noted questions to send to the State with the goal of addressing all issues in order for the ordinance to be included on the December 14<sup>th</sup> Town Meeting agenda.

#### d. MuniPay Account “ownership” Update

TC Friesen reviewed the need for a change in the account owner/signer after the departure of TM Allen. She recommended that Town Treasurer Mike Lightfield be

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named owner until a new Town Manager has been hired. Mayor Kulpa-Eddy asked that the minutes reflect that Mike Lightfield is to be named interim account signer/owner.

**e. Resident Comments**

Resident Claudia Barragan asked that whenever the Town is considering emulating programs from College Park or the City of Greenbelt to take into consideration the fact that these might not scale to Berwyn Heights, which is considerable smaller than either of those communities. She also commented that the documents regarding the Police Department proposals were full of generalities and requested that Council provide residents details and numbers to support the claims in the documents. She also requested a letter from the Chief of Police indicating that he desired a new building. She expressed concerns about a housing bubble and the Town acting as a developer in the Town for a Police Department and that there are other concerns that should take priority for ARPA funds.

**2. Code Compliance**

CM Hemby shared that she met with Code Compliance Director Hollyce Goodwin twice over the last several days. She shared that the largest concerns at the moment are business licenses and late penalties for those licenses. They will be working on policies for landlord and tenant responsibilities regarding flood and renters' insurance. Code Compliance has also agreed to be the department point of contact for the Student Volunteer program. Mayor Kulpa-Eddy added that Code has also taken on the responsibility of spearheading the Department of Housing and Community Development Sustainable Communities Workgroup. MPT Brittan-Powell thanked CM Hemby for helping turn around resident perception of Code Compliance.

**3. Parks, Recreation, Education, and Civic Affairs**

CM Papanikolas shared that he had several community committee meetings coming up, as well as attending the PGCMA legislative meet-and-greet with the Mayor. He added that he is happy to attend meetings of the community organizations, but to let him know when they are. He highlighted the great craft fair and tree lighting ceremony that happened over the previous weekend. Mayor Kulpa-Eddy complemented Public Works for all their work on the tree and the lights. MPT Brittan-Powell added his compliments as well.

**a. 50<sup>th</sup> Council Goals/Objectives and Tracking spreadsheet**

CM Papanikolas stated that the Tracking Spreadsheet has been updated. There are currently 39 projects on the list, including completed projects and those that Council has decided not to pursue at this time. He added project numbers, but those are for reference, not an order in which projects will be completed. There was discussion about adding definitions for each column. Mayor Kulpa-Eddy asked if "next milestone" could be changed to "action items". There was Council discussion on how the tracker is updated in OneDrive and communication between Councilmembers on how to update projects with joint leads. Resident Jose Valcarcel commented that this is a living document and until Council actually begins using it that there will be questions. The Council plans to have the tracker as part of the Consent Agenda for the December 14<sup>th</sup> town meeting.

**4. Public Safety**

Mayor Kulpa-Eddy shared that the Council held their annual Legislative Dinner last week, to meet with officials who represent Berwyn Heights on a State and County Level. Four Councilmembers were able to attend as were Eric Olson (for County Council District 3),

Jonathan Briggs(the new District 2 School Board representative) and State Delegate Anne Healey. There was a lot of good conversation and discussion regarding school boundary changes, stormwater management, and the potential for noise and stop sign cameras. The Council asked about bond bills, but would have to get the Town's paperwork in order very quickly.

- a. Mayor Kulpa-Eddy added that MPT Brittan-Powell had asked for an update on the UMD School of Public Health agreement. She reviewed that she had reached out to the SPH and received the response that it is better for the Council to hold an internal discussion before meeting with the SPH, regarding what are the big questions the Council/community would like to have answered (in terms of assets/needs), as well as the types of engagement that the Council is hoping to accomplish. After the internal discussions are held, the SPH will meet with the Council, and then the Council and SPH will meet with the community. **Berwyn Heights Emergency Assistance Program** Mayor Kulpa-Eddy reviewed some minor track changes and comments made by Town Attorney Ferguson. The Council had discussion about the intent on the insurance requirement and confirmed that their intent is that if a resident is uninsured, then they are ineligible for funds. This prompted discussion about if the Town can make homeowners and renters insurance mandatory as part of a rental license. CM Papanikolas suggested that Code Compliance could do education on renters and flood insurance. Council addressed some language that needed clarification as well as who will make the assessment once an application is submitted. There was concern that a police officer might be intimidating. Resident Jose Valcarcel stated that some residents may have more issues with Code Compliance than the Police Department. He suggested the Town should call the resident and let them know that a staff person, naming the person, will be stopping by and then the resident knows who to expect. CM Papanikolas reiterated that nothing from this process will be used for Code Compliance issues or enforcement. They addressed another comment from Town Attorney Ferguson that the applications should be reviewed by staff and then the Council could be the body to address appeals. There were no issues with that from Council. The Council began discussion on the application. There is a sentence that Town Attorney Ferguson recommended be removed and Council agreed. CM Papanikolas questioned if a webform could be created that would securely accept proof of residency and any PII? As next steps, the Council needs to amend the budget and make appropriations for the program. MPT Brittan-Powell asked how the program will be funded. CM Papanikolas replied that it will be a reserve fund which could potentially be depleted, and the Council would have to re-evaluate the need, if the fund is depleted. Mayor Kulpa-Eddy expressed that a new reserve fund has the potential to raise taxes. CM Papanikolas will have a discussion with Town Treasurer Lightfield regarding the fund balance and that will inform the decision on how large the reserve fund can be without raising taxes.

## 5. Public Works

CM Menjivar invited Director Pudner to give an update on Public Works. He reviewed that they are staying on schedule as the leaves seem to have fallen early this year. Holiday lights were a big project recently. He updated on the curbside collection of compost, stating that approximately 40 households are participating and more who are likely mixing their compost in with their yard waste.

### a. Food Compost Containers/Bins: verbal report

Director Pudner continued that residents have come to Public Works about their

composting containers going missing and requesting that the Town either give or sell uniform food compost containers. He has spoken to neighboring municipalities with one offering 5-gallon buckets with a Town sticker on it and another that offers 4 different sizes of bins, but residents pay half the cost to encourage them to take care of their bins. There was discussion about what kinds of lids would be easier for crews to manage during the disposal process as well as what to do with compost when residents will be out of town on days when compost is picked up.

## **6. Administration**

MPT Brittan-Powell expressed his gratitude for the additional work that Administrative staff are carrying during this time without a Town Manager.

### **a. Berwyn Heights Home Retrofit Program**

Mayor Kulpa-Eddy reviewed that there are a couple of proposals on the table. MPT Brittan-Powell shared that residential waterproof doors are not available in the United States and that there is no market available for them. There are watertight doors for commercial properties but not for residential. Since specialty doors are not available, there aren't specialty contractors for this. However, he has spoken with a few contractors who expressed interest in this niche and would be interested in working with the Town on this. He and Mayor Kulpa-Eddy discussed the WSSC request for meetings to discuss installation of backflow preventers and how these meetings might take place. Mayor Kulpa-Eddy asked if the intention was to include the storm gates as part of the retrofit program, as there would need to be an application and "hold harmless" agreement for those as well.

CM Hemby stated that during that last meeting she was asked to work with INCbh and Jose Valcarcel who is an architect and project manager. They created a document with background information and a proposal process. She invited Claudia Barragan to present. Ms. Barragan requested that this document be voted on during the December 14<sup>th</sup> Town Meeting and that if the vote is yes, to assign a start date. She proposed that the program be renamed "Flood Resilience Residential Retrofit". She reviewed the background information of the program and shared that FEMA has a toolkit for residential retrofit programs. She also added that Maryland has recently passed a law to provide loans to resident who want to retrofit their homes. She emphasized the importance of not creating barriers to implement the program. She shared how DC has implemented a cost-sharing program for residents who have an interest in removing the lead pipes from their homes and shared how a similar system could work to retrofit homes in Town. She stated that flood risk eligibility would be based on need shown with data, such as pictures of previous flooding.

Mr. Valcarcel proposed that a case study be done to determine an estimate of what it will actually take to retrofit one of the houses. He reviewed the proposed process including utilization of contractors who do work for the County and are in good standing, including all the required licenses and insurances. He reviewed some of the fixes that could be implemented such as sump pumps, drains, window wells, raising walls, etc.

Ms. Barragan reviewed the remainder of the proposal, detailing the implementation and application process.

MPT Brittan-Powell stated that in previous versions, sump pumps had been excluded. CM Papanikolas expressed that while that was true, emergency pumps may be worth

considering. There was continued discussion on the proposal. CM Hemby expressed her appreciation for residents who are subject matter experts and willing to do pro bono work for the Town. Council discussed next steps and asked who would run the program. CM Papanikolas reviewed that in the last meeting they discussed that the ARPA Grants Manager would oversee the program with the Town Manager, and he would support the Grant Manager until a Town Manager has been hired. Ms. Barragan reiterated that the offer for this proposal ends on the 14<sup>th</sup>.

**b. Securing Home Ownership in Berwyn Heights**

MPT Brittan-Powell addressed that the economics around us are changing and how that affects home ownership and rentals. He continued with how legislation has made it profitable for corporations to buy large amounts of homes and essentially control the rental markets. He continued that there are programs in neighboring communities to help long term renters purchase a home in the community. He'd appreciate Council reviewing what our neighboring communities are doing and seeing if there would be interest in scaling something to match Berwyn Heights.

**c. Introduction and Review of the Traditional Funding Act**

MPT Brittan-Powell introduced this as a way to address concerns he has heard from residents about the possibility of using ARPA funds to pursue a Town-owned property for the Police Department. This Act would essentially be a commitment to not use ARPA funds for a building for the Department. He continued that the largest portion of maintaining a decent police force is salary, not buildings. Mayor Kulpa-Eddy expressed that salaries are an ongoing expense and ARPA funds cannot be used for salaries and increased salaries could lead to increased property taxes.

Mayor Kulpa-Eddy continued that ARPA funds are a onetime funding source that has been encouraged to be used for onetime expenditures. She expressed concern regarding a possibility of funds being pulled back by Treasury if funding isn't allocated, and requested that Council not restrict the use of ARPA funds for this potential purpose. She reiterated that she is not asking for funds to be allocated, just not restricted. CM Papanikolas confirmed that MPT Brittan-Powell's intent was to pass a resolution for this and as such a resolution can be changed by the passage of another resolution that would allow Council to change direction.

Resident Jose Valcarcel asked if this resolution would be voted on at the next Town Meeting and asked for confirmation that the project is not budgeted for in any way. It was confirmed that the project is not budgeted, and that the resolution is not ready to go before Council at the December meeting. He also asked if the Police Department was addressed by residents during the initial survey of the community on how ARPA should be spent. Mayor Kulpa-Eddy stated that she could not recall if it had been addressed, but that the ARPA final rule has changed since that survey was completed. There was brief discussion on preparing another survey.

CM Hemby asked to return to the subject of storm/flood gates, asking when they will be purchased. She expressed confusion over why they had not been purchased. Mayor Kulpa-Eddy stated that there are two issues: developing a hold harmless agreement and the number of gates to be ordered. CM Hemby expressed her understanding that the former Town Manager had a purse of \$10,000 she could spend and wants to know why they have not been purchased yet. There was discussion about which line item that former TM Allen had planned to charge the gates to. Mayor Kulpa-Eddy expressed concern that if they order gates and nobody uses them, they could be accused of wasting

taxpayer money. MPT Brittan-Powell stated he had many names of people who are interested in the gates. CM Papanikolas said he'd work with Town Treasurer Lightfield to determine where the funds could come from.

**d. Stormwater Management - Current Status and next steps**

MPT Brittan-Powell shared that he sent Council an RFP draft for Council to consider for the Town to spearhead a project to address the stormwater management issues regarding the storm drains. Mayor Kulpa-Eddy stated that she doesn't believe that the Town is able to address the storm drains as those are County property. There was discussion on responsibility for the storm drains and if the Town should prepare a project plan or if the County should do so.

**e. Walkable Bikeable Berwyn Heights Status and Report, MNPCC Grant and Next Steps**

MPT Brittan Powell reviewed that the Town had received a grant to implement the WBBH findings. He expressed that the intention of discussing it at this meeting is to alert residents that it has not been forgotten. Mayor Kulpa-Eddy stated that the Town is waiting for the County to assign an engineer to the project.

**7. Adjournment**

CM Papanikolas moved to adjourn the meeting. MPT Brittan-Powell seconded. After no discussion the motion passed unanimously, and the meeting adjourned at 9:43PM.